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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. 08-70284 (PVT)
14 Plaintiff,)
15 v.)
16 KHAN QUOC TIEU,)
17 Defendant.)
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[Proposed]
ORDER CONTINUING CASE AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT, 18 U.S.C. § 3161

19 This matter came before the Court for a detention hearing on Wednesday, May 21, 2008.
20 Counsel for the government and the defendant were present.

21 At the hearing, the defendant was advised and stated that he understood that under Rule
22 5.1(c) of the Federal Rules of Criminal Procedure he is entitled to a preliminary hearing within
23 10 days of his initial appearance as an in-custody defendant or within 20 days of his initial
24 appearance as an out-of-custody defendant, unless an indictment is filed, and that pursuant to 18
25 U.S.C. § 3161(b) he is entitled to be indicted within 30 days of his arrest in this matter. After
26 consultation with his attorney, the defendant stated that he wished to waive those rights and
27 continue the hearing set for preliminary hearing or indictment until

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1 June 12, 2008.

2 At the conclusion of the hearing, and at the request of defense counsel, without objection
3 by the government, the Court ruled as follows:

4 IT IS HEREBY ORDERED that the preliminary hearing or arraignment be continued
5 from May 29, 2008 to June 12, 2008 at 9:30 a.m.

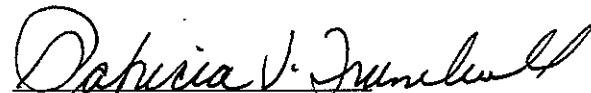
6 IT IS FURTHER ORDERED that a status hearing be set for May 29, 2008 at 9:30 a.m.
7 for further detention hearing and for possible identification of counsel.

8 IT IS FURTHER ORDERED that the period of time from May 21, 2008 through and
9 including June 12, 2008, shall be excluded from the period of time within which an indictment or
10 information must be filed under the Speedy Trial Act, 18 U.S.C. § 3161(b), pursuant to Title 18,
11 United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section
12 3161(h)(8)(B). The Court finds that the ends of justice served by this continuance outweigh the
13 best interests of the public and the defendant in a speedy trial because the parties require the
14 additional time to discuss the potential for pre-indictment resolution of this case.

15 IT IS FURTHER ORDERED that the period of time for a preliminary hearing is
16 extended under Federal Rule of Criminal Procedure 5.1(d), until June 12, 2008 based on the
17 defendant's consent and based on the parties' showing of good cause as set forth above.

18 For the foregoing reasons, the Court finds that the interests of justice in granting this
19 continuance outweigh the defendant's and the public's interests in a speedy trial.

20 Dated this 21 day of May, 2008.

21 
22 PATRICIA V. TRUMBULL
23 United States Magistrate Judge
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